

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAYAKRISHNAN K. NAIR, et al.,

Plaintiffs,

v.

CHANNA COPELAND, et al.,

Defendants.

CASE NO. C19-1296 MJP

ORDER DISMISSING
DEFENDANT MOLINA
HEALTHCARE, INC.

The above-entitled Court, having received and reviewed Defendant Molina Healthcare (“Molina”), Inc.’s Rule 12(b) Motion to Dismiss (Dkt. No. 109), Defendant’s reply brief (Dkt. No. 125), all attached declarations and exhibits, and relevant portions of the record¹, rules as follows:

IT IS ORDERED that the complaint against Defendant Molina Healthcare, Inc. is DISMISSED with prejudice on the following grounds:

¹ Plaintiffs filed no opposition to this motion, invoking the effects of Local Rule 7(b)(2): “Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.”

2. Failure to state a cognizable claim: Plaintiffs (who are not the insured) lack standing to bring a bad faith insurance claim against this company. Their complaint, which asserts a failure to provide coverage for a stay at a skilled nursing facility, fails to allege that a duty was owed by the insurer to provide coverage for such an event.

Dated May 22, 2020.

Marsha J. Pechman
United States Senior District Judge